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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
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November 8, 2016

Captain Steven Katz
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of John Gonzalez
J.S.I.D. File #15-0635
L.A.S.D. File #015-16025-0453-013

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 1, 2015, fatal shooting of John Gonzalez by Los Angeles County Sheriff's Department Detectives Steven Velasquez and Adrian Dominguez. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

JAMES GARRISON
Head Deputy District Attorney
Justice System Integrity Division

c: Detective Steven Velasquez, #[redacted]
Detective Adrian Dominguez, #[redacted]

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MEMORANDUM

TO: CAPTAIN STEVEN KATZ
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of John Gonzalez
J.S.I.D. File #15-0635
L.A.S.D. File #015-16025-0453-013

DATE: November 8, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 1, 2015, fatal shooting of John Gonzalez by Los Angeles County Sheriff's Department (LASD) Detectives Adrian Dominguez and Steven Velasquez. It is our conclusion that Detectives Dominguez and Velasquez acted in lawful self-defense and defense of others.

The District Attorney Command Center was notified of this shooting at 7:47 p.m. on December 1, 2015. The District Attorney Response Team responded to the location of the shooting where they received a briefing and walk-through of the scene.

The following analysis is based upon reports prepared by the LASD and supplemental material requested by the District Attorney's Office and provided by LASD. The voluntary statements of Detectives Dominguez and Velasquez were considered as part of this analysis.

FACTUAL ANALYSIS

On December 1, 2015, LASD Detectives Steven Velasquez and Adrian Dominguez, who were assigned to the "OSS" unit, were working together and serving subpoenas for upcoming court cases.[1] Dominguez was driving a black Ford Crown Victoria which had no external law enforcement markings and Velasquez was riding in the passenger seat. Both Velasquez and Dominguez were wearing standard LASD uniforms but were not equipped with duty belts or ballistic vests.

[1] "OSS" is an acronym for Operation Safe Streets which is the LASD's anti-gang unit.

Detective Dominguez's Statement

Dominguez was driving an unmarked vehicle southbound on Pioneer Boulevard just south of Imperial Highway when he observed two men, later identified as John Gonzalez and Jobani Meza, walking northbound on the sidewalk on the western edge of Pioneer Boulevard. Gonzalez and Meza were walking side by side and were both wearing baggy clothing, including grey sweatshirts, and Dominguez recognized that the men were potential "Nightcrawlers" gang members. Dominguez and Velasquez simultaneously commented to one another that Gonzalez and Meza appeared to be holding something near their waistbands and that they were going to stop them.[2] Dominguez pulled the vehicle to the right, angling his vehicle toward the sidewalk where Gonzalez and Meza were walking. He did not activate any of the vehicle's emergency equipment. As soon as he stopped the vehicle he could see that Meza had a silver handgun in his hand as he began running northbound on the Pioneer Boulevard sidewalk.

Once Dominguez observed Meza run with the silver handgun in his hand, he intended to give chase when he heard Velasquez yell something about a gun to Gonzalez. Dominguez looked over and saw Gonzalez facing Velasquez while Gonzalez was "fiddling with" a gun in his hand near his waistband. Dominquez stated, "He was going to shoot my partner. I know he was. He didn't run; he stood there to engage us." Dominguez fired two shots at Gonzalez who immediately fell down. After Dominguez fired the two shots, he focused his attention toward Meza who had dropped his gun and laid down on the street. Dominguez secured Meza's hands with the straps of a backpack worn by Meza because he did not have any handcuffs.

Detective Velasquez's Statement

Velasquez was riding as a passenger in a car being driven by Dominguez. They were traveling south on Pioneer Boulevard when he saw two men on the sidewalk walking toward them. Velasquez told Dominguez that they should contact the men. Dominguez pulled the car to the curb and he saw the two men each pull a gun from his waistband. As the car stopped, Velasquez saw Meza run northbound away from him but Velasquez focused his attention on Gonzalez because he did not run, but was "fumbling" with his gun as Velasquez was exiting the passenger side of the car. Velasquez stated that he yelled "drop the gun" two or three times and saw Gonzalez gain control of his gun and take a "combat stance" where he did not extend his arms but was instead "pointing it from his waistband." Velasquez said that when Gonzalez did not drop the gun he believed Gonzalez was going shoot at him so he fired three to four rounds at Gonzalez.

Physical Evidence

The detective's unmarked LASD Crown Victoria was stopped on Pioneer Boulevard facing southbound and angled with the passenger side toward the west curb. Gonzalez was lying on an asphalt driveway just west of Pioneer Boulevard and just behind and to the west of the LASD vehicle. There were two expended 9mm shell casings to the driver's side rear of the Crown

[2] Both detectives stated that Meza and Gonzalez were walking in a way that indicated to them that they were carrying "a weapon or other contraband" but neither explicitly stated that he saw or otherwise knew for certain that the men were armed.

Victoria and three expended 9mm shell casings on the passenger side of the vehicle; one on the passenger seat and two in the gutter next to the open passenger side door. A black "High Point" 9mm handgun was found on the ground about ten feet from Gonzalez and a silver revolver was located to the rear of the Crown Victoria on the sidewalk.[3] Three apparent bullet strike marks were discovered on the walls surrounding the property to the west of the shooting scene; two were on the wall which runs east to west along the north property line of a parking lot, and one on an east facing wall.

Based on the location of the shell casings recovered at the scene, and confirmed by the examination of the detectives' firearms, Dominguez fired twice and Velasquez fired three times. Gonzalez was struck twice by bullets fired from Velasquez's gun and he died at the scene. An autopsy was conducted and Dr. J. Daniel Augustine, the coroner assigned to conduct the autopsy, concluded that Gonzalez suffered a gunshot wound to his front, right, lower abdomen and that the bullet travelled front to back and right to left. The second gunshot entered Gonzalez's back and traveled back to front, left to right, and upward. Dr. Augustine opined that the cause of death was "multiple gunshot wounds."

The semi-automatic handgun recovered next to Gonzalez's body was examined by an LASD firearms expert. The cartridge which was recovered from the chamber of the firearm was observed to have a firing pin strike on the primer. This mark is consistent with the trigger of the firearm being pulled; however, the cartridge did not discharge.[4]

Video Evidence

Two surveillance cameras captured a portion of the event. Both cameras show Meza and Gonzalez walking northbound, side by side on the west sidewalk of Pioneer Boulevard. The Crown Victoria approaches quickly and stops almost immediately next to Gonzalez and Meza in an area which is obscured by bushes and a business sign. Although the critical moments surrounding the shooting are obscured, as soon as the car comes to a stop Meza can be seen sprinting north on the sidewalk and a moment later Gonzalez is seen tumbling to the ground.[5] Dominguez then emerges from behind the Crown Victoria and quickly walks off camera in the direction where Meza ran. The entire event, from the arrival of the patrol car to the time Gonzalez has been shot and is on the ground, lasts approximately seven seconds.

Civilian Witness Statements

The shooting occurred next to a two story apartment building and the building was canvassed for witnesses. Many people were interviewed and said that they heard several gunshots in quick

[3] The firearms possessed by both Meza and Gonzalez were fully loaded and had not been discharged when they were recovered.

[4] A "misfire" occurs when the trigger of a firearm is pulled but the cartridge fails to discharge; usually because the primer or powder in the cartridge failed to ignite. Although it is impossible to determine when the trigger of Gonzalez' firearm was pulled, a misfire would render the firearm inoperable until the user ejected the faulty cartridge, making it unlikely that a failed attempt to shoot the firearm was made earlier without an effort to clear the fault.

[5] The cameras are situated behind a fence and approximately 120 feet from the scene of the shooting. The quality of the footage is limited by poor lighting and a white fence which creates reflections that limit the cameras' resolution.

succession but did not see anything; however, there were two people who saw part of the incident. [redacted] told detectives that she heard shots, went to her window and saw only one deputy who was standing next to the Crown Victoria with his gun drawn giving commands to someone outside of her field of view when he fired one round northbound. She stated that this shot was not fired at Gonzalez, who was already on the ground.[6] [redacted] who was working security across the street from the shooting, described the deputies "exchanging gunfire" with two subjects and that the deputies "did what they had to do."

Jobani Meza's Statement

Meza was interviewed and told detectives that both he and Gonzalez were armed with handguns as they were walking on Pioneer Boulevard when a car stopped quickly. He said he ran not knowing who was in the car and heard three or four quick gunshots quickly thereafter. When he heard the gunshots he looked back and saw the uniform of one of the deputies, tossed his gun and got down on the ground. One of the deputies was shouting "don't move" and Meza said, "Okay, just don't shoot me." Meza admitted both he and Gonzalez had handguns and described his gun as a chrome six shot .38 special and Gonzalez's gun as a black semiautomatic.

LEGAL ANALYSIS

A killing which is legally justified is a lawful killing. The potential legal justifications include self-defense and defense of another. Penal Code sections 197, 198; CALCRIM No. 505.

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082 (1996); *See also*: CALCRIM No. 505. In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470.

"The reasonableness of the particular force used must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." Graham v. Connor (1989) 490 U.S. 386, 396. "The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Id. at 396-97. The test for whether an officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." Munoz v. City of Union City (2004) 16 Cal.Rptr.3d 521, 540.

[6] This statement is contradicted by the physical and video evidence. Crime scene technicians accounted for every round fired by the detectives and none were fired in a northerly direction as described by [redacted] Additionally, Dominguez moved northbound immediately after the shooting to secure Meza and would have been north of her field of view, and in Velasquez' line of fire, by the time she made her observations.

In this instance, Dominguez and Velasquez were working as detectives assigned to OSS when they came upon two men whom they immediately identified as possible gang members who were acting as if they were concealing something in their waistbands. Based on those observations, they made a decision to contact Gonzalez and Meza. Dominguez initiated the contact by abruptly and quickly pulling the unmarked patrol car to the curb, stopping the car only a few feet from where Meza and Gonzalez were walking. Meza responded by securing his grip on his revolver and running north, away from the car. In contrast, Gonzalez was "fumbling" or "fiddling" with the gun which he had in his possession while only a few steps from Velasquez. The positioning of the vehicle confined Velasquez between the opened passenger door of the car and Gonzalez, who was armed with a handgun. Once Velasquez was placed in this position, any movement of Gonzalez's gun in the direction of Velasquez was reasonably perceived as an imminent threat. Indeed, both Dominguez and Velasquez simultaneously perceived such a threat and shot at Gonzalez in response to it. The evidence that the trigger on Gonzalez's gun was apparently pulled but the weapon misfired further supports the reasonableness of their actions.

Based on an analysis of all the evidence, Detectives Dominguez and Velasquez acted in response to an actual and honest belief that Velasquez was in mortal danger when they both shot at Gonzalez.

CONCLUSION

We find that Detective Dominguez acted lawfully in defense of others and Detective Velasquez acted lawfully in self-defense when each used deadly force against John Gonzalez. We are closing our file and will take no further action in this matter.